

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

DE LOIS PHILLIPS, *individually and as independent* §
executrix of the Estate of Fred Steven Phillips, et al., §

Plaintiffs, §

v. §

JOHNSON & JOHNSON, et al., §

Defendants. §

1:24-CV-775-RP

ORDER

Before the Court is the report and recommendation of United States Magistrate Judge Mark Lane concerning Defendants Johnson & Johnson, J&J Healthcare System, Inc. a/k/a Johnson & Johnson Health Care Systems, Inc., and Ethicon US, LLC’s (collectively, “Defendants”) motion to dismiss, (Dkt. 8). (R. & R., Dkt. 17). Plaintiffs timely filed objections to the report and recommendation. (Objs., Dkt. 18).

A party may serve and file specific, written objections to a magistrate judge’s findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure *de novo* review by the district court. 28 U.S.C. § 636(b)(1)(C). Because Plaintiffs timely objected to the report and recommendation, the Court reviews the report and recommendation *de novo*.

In their objections, Plaintiffs request an oral hearing on Defendants’ motion to dismiss, the report and recommendation, and Plaintiffs’ objections. (Objs., Dkt. 18, at 8). The Court denies this request, finding a hearing on the matter to be unnecessary to the resolution of the motion to dismiss.

Having reviewed the report and recommendation *de novo* and for the reasons given in the report and recommendation, the Court overrules Plaintiffs' objections and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the report and recommendation of United States Magistrate Judge Mark Lane, (Dkt. 17), is **ADOPTED**.

IT IS FURTHER ORDERED that Defendants' motion to dismiss, (Dkt. 8), is **GRANTED**. Plaintiffs' Second Amended Complaint is **DISMISSED WITH PREJUDICE**.

The Court will enter final judgment in a separate order.

SIGNED on April 2, 2025.

A handwritten signature in blue ink, appearing to read "R. Pitman", is written above a horizontal line.

ROBERT PITMAN
UNITED STATES DISTRICT JUDGE